

### **REMARKS**

This Amendment is in response to the Office Action mailed on January 2, 2003. It is believed that no fees are necessary in connection with this Amendment. However, in the event any fees are due, kindly charge the cost thereof to our Deposit Account No. 13-2855.

### **Objections to the Specification**

The Abstract was objected to for containing the legal phraseology "said," for being comprised of two paragraphs, and for including a statement which can be implied. In response to these objections, the Applicants submit herewith a substitute Abstract on a separate sheet.

The disclosure was objected to for containing certain informalities. First, on page 1, fourth paragraph, a German word was used instead of its English translation. The Applicants have amended this paragraph by substituting the English word "Disclosure" for the German word "Offenlegungsschrift."

In the preliminary amendment, the paragraph that was substituted for the first full paragraph on page 4 of the disclosure included a typographical error by including the reference number "61," which does not appear in the drawing figure. In response to the objection, the Applicants amended this paragraph by substituting the correct reference number "6a" for "61."

The specification was also objected to for failing to provide proper antecedent basis for certain subject matter claimed in claims 9 and 21. In response, the Applicants amended the carry-over paragraph on pages 5-6 of the specification to include proper antecedent basis for the transfer unit 12 and the conveyor belt being connected to the control means 7 via conveyor lines, as claimed in claims 9 and 21. No new matter has been added by way of these amendments.

The drawings were objected to for failing to include the reference number "61." By amending the specification to remove reference number "61" and substitute the correct reference number "6a," it is understood that this objection is overcome and no drawing corrections are required. However, in the event any additional drawings are necessary, kindly advise the Applicants' undersigned representative.

### **35 U.S.C. § 112 Rejections**

Claim 9 was rejected under 35 U.S.C. § 112, second paragraph, for failing to provide proper antecedent basis for the limitations "said conveyor belt" and "said transfer unit." In response, the Applicants amended claim 9 by replacing the first instances of "said transfer unit" and "said conveyor belt" with "a transfer unit" and "a conveyor belt," respectively.

Claim 15 was rejected under 35 U.S.C. § 112, second paragraph, for being unclear as to what is meant by each  $n$ -th closure and ( $n \in 1N$ ), and for being unclear as to how many closures applicant is claiming. In response, the Applicants respectfully submit that " $n$ " and the notation ( $n \in 1N$ ) indicates to those of ordinary skill in the art that  $n$  is a variable element of the natural numbers  $N$ . In order to make the claim and the disclosure more readable, however, the Applicants have amended claim 15 and the third paragraph of page 3 of the disclosure to indicate that  $n$  is a selected integer, and that the specific number of sausages corresponds to the selected integer  $n$ . It is respectfully submitted that these amendments overcome the rejection and do not add any new matter.

Claim 21 was rejected under 35 U.S.C. § 112, second paragraph, for failing to provide proper antecedent basis for "said transfer unit" and "said suspension unit." In response, the Applicants amended claim 21 by replacing the first instances of "said transfer unit" and "said conveyor belt" with "a transfer unit" and "a suspension unit," respectively.

### 35 U.S.C. § 102 Rejections

Claims 1, 3/1, 4-5, 8, 10, 12-14, 16-17 and 19-20 were rejected as being anticipated by Evans, U.S. Patent No. 4,766,713. Claims 8, 12, and 20 have been cancelled. Claim 1 has been amended by adding the language -- , and wherein a control means (7) is provided to synchronize the functions of the stuffing unit, the clip module, and the length-dimensioning unit -- at the end of the claim. Claim 10 has been amended by adding the language -- and synchronizing the functions of the stuffing unit, the clip module, and the length-dimensioning unit -- at the end of the claim. The language added to claims 1 and 10 is fully supported by the disclosure as originally filed, for instance on page 5, second paragraph, lines 5 to 9, and does not add any new matter.

As discussed in detail in the Background of the Invention section of the Applicants' present application, providing a clipper directly after the filling horn, as is the case in the cited Evans reference, was already known in the prior art. Using a clipper directly after the filling horn (which is also known as the charging pipe) results in the problem of not being able to reliably reproduce the volume and the outer contour of the individual sausages to a commercially appealing and satisfactory extent, especially if a natural sausage casing is used as a sausage skin.

Neither the wall thickness nor the diameter is constant when natural sausage casings are used, which results in sausages having different shapes. In addition, the variable stretchability may cause a non-uniform outer form. In the case of stuffed sausage skins, the fact that the stuffing material is additionally displaced when clips are being applied leads to deformation at the sausage ends.

The Applicants' improvement over the prior art, such as Evans, is to provide a device and a method for producing sausages which can be used for closing the sausages in a simple manner, and which are nevertheless suitable for producing sausages of identical length and

identical volumes, in particular also sausages whose sausage skin consists of a natural sausage casing.

Claims 1 and 10, as amended, recite these improvements. Since, according to claims 1 and 10 and the claims depending therefrom, the filled skins are first transported by a length-dimensioning unit and are therefore brought into a specific shape and length (due to the endless belts 6a, 6b) they can be divided very precisely into individual sausages by the clip module 8, wherein all sausages have the same shape and volume, even if a natural sausage skin is used. Since the clip module is arranged behind the length-dimensioning unit, the filling, length-dimensioning, and clipping function can be synchronized in an optimal manner, which involves the more desirably uniform sausage shapes.

While the cited Evans reference shows a fill horn 22 having a break mechanism 26 and a clipper 33, 35, with the clipper 33, 35 being provided after the end 32 of the fill horn 22 (as disclosed in column 4, lines 39-41 of the reference), the break mechanism 26 cannot be interpreted as a length-dimensioning unit for controlled removal and dimensioning the length of the *stuffed* sausage skins, as recited in claims 1 and 10, as amended.

Evans does not show the feature of a length-dimensioning unit for controlled removal of the stuffed sausage skins, and the arrangement of the clip module directly after the length-dimensioning unit. To the contrary, the clip module in Evans is arranged directly behind the break mechanism 26. Moreover, Evans does not show the feature of a control means provided to synchronize the functions of the stuffing unit, the clip module and the length-dimensioning unit (as set forth in method claim 10, as amended). It is therefore respectfully submitted that Evans does not anticipate claims 1 and 10, or any claims depending therefrom.

### **35 U.S.C. § 103 Rejections**


Claims 2, 3/2, 6-7, 11, 15, 18, and 22 were rejected as being unpatentable over Evans as applied to claims 1, 5, 10, and 17, and further in view of Schleisser et al, U.S. Patent No.

5,699,723. For the reasons set forth above, it is respectfully submitted that claims 1 and 10, as amended, and all claims depending therefrom, are not anticipated by Evans. Further, the proposed combination of Evans 4,766,713 with the disclosure of a twist-off unit associated with a charging pipe in Schleisser et al., 5,699,723, would still not render obvious the Applicants' invention as set forth in claims 2, 3, 6, 7, 11, 15, 18, and 22, all of which depend from either claim 1 or 10, as amended. Specifically, neither Evans 4,766,713 nor Schliesser 5,699,723, whether alone or in combination, teach or suggest synchronization of the functions of the stuffing unit, the clip module, and the length-dimensioning unit.

### CONCLUSION

Inasmuch as none of the prior art of record show a clipper arranged directly after a length-dimensioning unit, wherein a control means is provided to synchronize the functions of the stuffing unit, the clip module, and the length-dimensioning unit, it is respectfully submitted that the claims still pending in the application are in condition for allowance. The Applicants further wish to bring to the Examiner's attention that a German patent has been granted on the priority application, on the basis of the claims substantially the same as those originally filed in the present application. In the event the Examiner has any questions that might easily be resolved by telephone, he is invited to contact the Applicants' undersigned representative at (312) 474-6300.

Respectfully submitted,

  
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I hereby certify that this Amendment and Substitute Abstract is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 233431817 US, in an envelope addressed to: Commissioner of Patents, Washington, DC 20231, on the date shown below.

Dated: April 2, 2003

Signature:   
(Richard Zimmermann)